

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 08-2463

United States of America,

Appellee,

v.

Todd F. Meyers,

Appellant.

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Appeal from the United States
District Court for the
District of Nebraska.

[UNPUBLISHED]

Submitted: November 25, 2009

Filed: November 30, 2009

Before BYE, BOWMAN, and BENTON, Circuit Judges.

PER CURIAM.

Todd Meyers appeals following sentencing by the district court¹ upon his guilty plea to drug-trafficking and gun offenses. His counsel has moved to withdraw and has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), arguing that the within-Guidelines-range sentence was unreasonable. Meyers has filed a pro se supplemental brief in which he argues counsel provided ineffective assistance, and the police search involved in his case was unlawful.

¹The Honorable Joseph F. Bataillon, Chief Judge, United States District Court for the District of Nebraska.

We review the imposition of sentences under a deferential abuse-of-discretion standard, first ensuring that the district court committed no significant procedural error, and then considering the substantive reasonableness of the sentence. *See United States v. Feemster*, 572 F.3d 455, 461 (8th Cir. 2009) (en banc). Upon careful review of the record, we find that the district court did not commit procedural error and the sentence is not substantively unreasonable. Significantly, the sentence imposed was within the undisputed Guidelines range, *see Rita v. United States*, 551 U.S. 338, 347-50 (2007), and Meyers has not rebutted the presumption of reasonableness. As to his pro se arguments, the ineffective-assistance claim is not properly before us in this direct criminal appeal, *see United States v. Hughes*, 330 F.3d 1068, 1069 (8th Cir. 2003); and Meyers's unconditional guilty plea forecloses his illegal-search argument, *see United States v. Arrellano*, 213 F.3d 427, 430 (8th Cir. 2000).

After reviewing the record independently under *Penon v. Ohio*, 488 U.S. 75 (1988), we find no nonfrivolous issues for appeal. Accordingly, we affirm the judgment of the district court, we grant counsel's motion to withdraw, and we deny Meyers's motion for new counsel.
